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COOPERATION AND COORDINATION OF ACTIVITIES WITH OTHER UNITED NATIONS BODIES AND OTHER ENTITIES

Cooperation and coordination of activities in crime prevention and criminal justice, including activities of the United Nations International Drug Control Programme

Report of the Secretary-General

CONTENTS

	Paragraphs	*Page*
INTRODUCTION	1-3	2
I. COOPERATION AND COORDINATION OF ACTIVITIES	4-45	2
A. Follow-up of the Ninth United Nations Congress on Crime Prevention and the Treatment of Offenders	4-6	2
B. Joint initiatives with the United Nations International Drug Control Programme	7-16	3
C. Collaboration with entities of the Secretariat and other United Nations bodies	17-36	4
D. Crime prevention and criminal justice programme network	37	7
E. Intergovernmental organizations	38-41	7
F. Non-governmental organizations and other entities	42-45	8
II. CONCLUSIONS AND ACTION REQUIRED OF THE COMMISSION	46-51	9

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INTRODUCTION

1. Cooperation and coordination of activities in crime prevention and criminal justice has been persistently called for by the General Assembly as well as the Economic and Social Council in the years that followed the restructuring of the United Nations crime prevention and criminal justice programme and the establishment of the Commission on Crime Prevention and Criminal Justice. The Commission has regularly had before it reports on cooperation and coordination with other entities, showing a continuous growth in the scope and quality of collaborative action.

2. Most recently, the General Assembly, in its resolution 50/146, paragraph 10, requested the Secretary-General to take all necessary measures to assist the Commission, as the principal policy-making body in the field of crime prevention and criminal justice, in performing its functions and to ensure the proper coordination of all relevant activities in the field, in particular with the Commission on Human Rights, the Commission on the Status of Women and the Commission on Narcotic Drugs. Further, the Economic and Social Council, in resolution 1995/15, paragraph 8, called upon all relevant international, intergovernmental and non-governmental organizations to continue cooperating with the United Nations crime prevention and criminal justice programme in support of its operational and technical activities.

3. The present report updates the information on this subject provided to the Commission at its fourth session (E/CN.15/1995/8), outlining the progress in and benefit drawn from collaborating with other entities on issues of mutual interest. Additional information on specific activities will be found in a number of other reports before the Commission.

I. COOPERATION AND COORDINATION OF ACTIVITIES

A. Follow-up of the Ninth United Nations Congress on Crime Prevention and the Treatment of Offenders

4. The purpose of the United Nations congresses in their new format, as stated by the General Assembly in its resolution 46/152, annex, paragraph 29, is to serve as a consultative body of the programme and as such to provide a forum for, *inter alia*, the submission of advice and comments to the Commission on selected matters, including suggestions for the programme of work. The General Assembly, in its resoltuion 49/158, requested the Commission to give priority attention at its fourth session to the conclusions and recommendations of the Ninth Congress, held at Cairo, from 29 April to 8 May 1995, and to recommend, through the Economic and Social Council, appropriate follow-up by the General Assembly at its fiftieth session.

5. The resolutions and recommendations of the Ninth Congress were reviewed by the Commission at its fourth session. On the recommendation of the Commission, the Economic and Social Council adopted resolution 1995/27, on the implementation of the resolutions and recommendations of the Ninth Congress. In that resolution, the Council called for cooperation and coordination of activities with other entities.

6. The General Assembly, in resolution 50/145, paragraph 7, urged all entities of the United Nations system, including the regional commissions, the regional institutes for the prevention of crime and the treatment of offenders and the relevant intergovernmental and non-governmental organizations to become actively involved in the implementation of the resolutions and recommendations of the Ninth Congress. Because of the broad scope of the recommendations of the Ninth Congress, as reviewed by the Commission and endorsed by the Council, and considering the financial and institutional limitations of the Crime Prevention and Criminal Justice Division, collaboration with other entities is a prerequisite for the implementation of those recommendations.

B. Joint initiatives with the United Nations International Drug Control Programme

7. The General Assembly, in its resolution 50/146, paragraph 14, requested the Secretary-General to continue to strengthen cooperation between the Crime Prevention and Criminal Justice Division* and the United Nations International Drug Control Programme (UNDCP). The Commission on Narcotic Drugs, by resolution 9 (XXXVIII), paragraph 5, requested UNDCP to coordinate with the Division in reporting annually to that Commission and to assist the Division in reporting to the Commission on progress achieved in the strengthening of coordination. Close cooperation and coordination between the two entities continued during the reporting period. Information was regularly exchanged in areas of common concern. New initiatives were jointly planned for assistance to, *inter alia*, Angola, Kazakstan, Kyrgyzstan, Pakistan, Tajikistan, The former Yugoslav Republic of Macedonia, Turkmenistan and Uzbekistan. In addition to a joint mission to Pakistan in March/April 1995, the UNDCP field office offered general assistance to advisory missions undertaken by its interregional advisors.

8. UNDCP was represented at the Ninth Congress, where it provided assistance with the documentation and organization of a workshop on extradition and international cooperation: exchange of national experience; and implementation of relevant principles in national legislation. It was also represented at the fourth session of the Commission. The Division, in turn, attended the thirty-eighth session of the Commission on Narcotic Drugs, as well as its resumed session. It was represented by the United Nations Interregional Crime and Research Institute at the annual meeting of the Subcommittee on Drug Control of the Administrative Committee on Coordination, held at Geneva, from 31 July to 2 August 1995.

9. The two entities continued to explore ways of furthering cooperation in areas of mutual interest and concern, for example, through the UNDCP legal assistance programme and the Division's interregional advisers. Areas that were identified for possible cooperation include:

(a) Further elaboration of existing model drug legislation by incorporating appropriate United Nations criminal justice standards and norms, such as those concerning the treatment of offenders and police powers. Other model laws, such as on anti-corruption measures, could also be developed. These activities could be undertaken on an incremental basis, as resources permitted;

(b) Joint preparation of training manuals, taking into account the needs of different regions and legal traditions, for example concerning criminal justice procedures for the prosecution of offences;

(c) Input into the training components of national projects;

(d) Enhanced exchange of information concerning forthcoming missions.

10. With regard to cooperation in the area of activities against organized crime, particularly as related to drug trafficking, the Commission on Narcotic Drugs, in resolution 9 (XXXVIII), requested Member States to implement the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, which was adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994 and subsequently approved by the General Assembly in its resolution 49/159 of 23 December 1994. The Commission on Narcotic Drugs, in its same resolution, requested UNDCP, in cooperation with the Division, to jointly provide to requesting States assistance in the prevention and control of money-laundering and the illicit transfer of assets, on the basis of the recommendations contained in the Naples Political Declaration and Global Action Plan, as well as in other United Nations resolutions.

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*The Crime Prevention and Criminal Justice Branch was upgraded to a Division by the General Assembly in its resolution 50/214 of 23 December 1995. For convenience, it will be referred to throughout as Division.

11. In pursuance of the above, UNDCP was represented at the Regional Ministerial Workshop on the Follow-up of the Naples Political Declaration and Global Action Plan, organized by the Government of Argentina and the Division at Buenos Aires, from 27 to 30 November 1995, which reviewed relevant activities subsequent to the World Ministerial Conference. UNDCP contributed information based on experience with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[1] regarding areas such as money-laundering, mutual legal assistance, extradition and confiscation.

12. In this field, the Division and UNDCP are currently finalizing a joint project proposal for a global project on money-laundering, aiming at the development of the basic legal and institutional framework for more efficient response to transnational organized crime and illicit money traffic. The proposal takes into account and complements the activities in this field of the Financial Action Task Force as well as the International Criminal Police Organization, the World Customs Organization and other organizations active in this area.

13. The two entities are also, in cooperation with the Organization for Security and Cooperation in Europe, jointly planning the organization of a ministerial meeting on organized crime for Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, to be held in 1996. The first preparatory meeting was held in Vienna, on 26 January 1996.

14. In formulating and implementing a project on institution-building and improvement of control measures in Ukraine, UNDCP and the Division have been working together to provide advice on the policy coordination activities of the relevant agencies of the criminal justice system and their roles in a democratic society. In the implementation of the project on institution-building and improvement of control measures in Belarus, developed by UNDCP, the Division organized two consecutive training courses on the role of the police in the criminal justice system for high-ranking police officers of the Belarus police.

15. In addition, the Division participated in the expert meeting on establishing policies and priorities in drug control in the context of the criminal justice system, organized by UNDCP and the Council of Europe, at Budapest, from 7 to 8 September 1995. The meeting was part of a larger project the main objective of which was halting the deterioration in the ability of criminal justice systems to play a central role in drug control. The Division has also been providing substantive support to a UNDCP project executed in cooperation with the Inter-American Drug Abuse Control Commission and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, based in Costa Rica, for the harmonization of drug-control legislation in all central American countries.

16. In addition, UNDCP and the Division provided a joint submission to the Ad Hoc Committee on the Establishment of an International Criminal Court, reviewing the draft statute for an international criminal court contained in the note by the Secretary-General (A/49/355) on the report of the International Law Commission on the work of its forty-sixth session and commenting on a number of issues that were of importance to the work of both the Commission on Narcotic Drugs and the Commission, for example, the prevention and control of transnational organized crime.

C. Collaboration with entities of the Secretariat and other United Nations bodies

1. Centre for Human Rights

17. The crucial importance of the criminal justice system in the endeavours of any society to meet internationally recognized standards of human rights and freedoms of the individual provides a natural incentive for cooperation between the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice. The importance of effective cooperation between the two bodies was

reiterated by the General Assembly in its resolution 50/146, paragraph 10, and such cooperation continued to be of great importance to the work of the Division, throughout the reporting period.

18. The Economic and Social Council, in its resolution 1995/13, paragraph 12, requested the Secretary-General to encourage the coordination of activities related to the use and application of United Nations standards and norms between the Division and other relevant United Nations entities, *inter alia*, the United Nations High Commissioner for Human Rights, to heighten their efficacy and avoid overlapping in the implementation of their programmes.

19. Coordination of activities included attendance at the annual sessions of the policy-making bodies concerned, as well as ad hoc meetings on the possibilities of collaborative action in operational projects in, *inter alia*, Haiti and Rwanda. A further area of common concern where cooperation took place was on the rights of victims of crime and the abuse of power.

20. Discussions were held on, *inter alia*, closer cooperation at the inter-agency meeting on technical cooperation in support of the work of the Committee on the Rights of the Child, called for by the High Commissioner for Human Rights, and held in June 1995. The immediate objective of that meeting was to meet with the members of the Committee and other United Nations agencies in this field to attempt to coordinate technical cooperation activities in support of the Committee's recommendations to enhance national implementation of the Convention on the Rights of the Child (General Assembly resolution 44/25, annex, of 20 November 1989). It also offered a good opportunity to discuss cooperative arrangements with the Centre for Human Rights on its programme of advisory services, training and project implementation in the field of human rights and the administration of justice.

21. Of particular concern is the development of manuals and other working materials on the administration of justice, addressed to the various professions in the criminal justice system. Discussions held centred on the development of joint publications on the fields of law enforcement, magistrates and prosecutors, juvenile justice and the treatment of prisoners.

2. Department of Peace-keeping Operations

22. The General Assembly, in resolution 50/146, paragraph 13, took note of the contributions of the United Nations crime prevention and criminal justice programme to United Nations peace-keeping and special missions, as well as its contributions to the follow-up to those missions, *inter alia*, through advisory services, and encouraged the Secretary-General, as a way of strengthening the rule of law, to recommend the inclusion of the re-establishment and reform of criminal justice systems in peace-keeping operations.

23. The Division continued to put priority on assistance to those missions. During the reporting period it provided assistance to the peace-keeping missions in Haiti and Rwanda. Discussions on the possibility of undertaking joint missions have been initiated with UNDCP and the United Nations Development Programme (UNDP), concerning requests for assistance received from Angola and Liberia.

3. Office of the Special Representative of the Secretary-General in Burundi

24. The Division provided assistance to a training programme for high-ranking Burundian police officials and military in 1995. This programme was organized by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in cooperation with the Swedish International Development Agency, the Office of the Special Representative of the Secretary-General in Burundi and the Division.

4. United Nations Development Programme

25. The General Assembly in resolution 50/146, paragraph 9, requested the Secretary-General to facilitate, as appropriate, the creation of joint initiatives, including bilateral activities, and the joint formulation and implementation of technical assistance projects benefiting developing countries and countries in transition, involving interested donor countries and funding agencies, particularly UNDP Programme and the World Bank, with a view to establishing and maintaining efficient criminal justice systems on a country-by-country basis as an essential component of developmental efforts.

26. The same resolution called upon, *inter alia*, UNDP to support technical cooperation activities devoted to crime prevention and criminal justice and to include such activities in its programme. UNDP was further called upon to utilize the expertise of the United Nations crime prevention and criminal justice programme and to cooperate closely on relevant technical assistance projects and advisory missions.

27. Furthermore, UNDP, *inter alia*, was called upon also by the Economic and Social Council, in resolution 1995/9, paragraph 7, to give appropriate consideration to the inclusion in its assistance programmes of projects dealing with urban crime prevention.

28. Collaboration and coordination with UNDP has continued to grow in scope and intensity. Requests for technical assistance in the field of crime prevention and criminal justice continued to be channelled through the field offices of UNDP to the Division. Project proposals developed by the Division in response to requests from Member States were regularly sent to UNDP for consideration with regard to funding and the possibility of undertaking joint activities. Contacts have also been made with UNDP in order to develop the necessary framework for closer cooperation, especially in view of the recent developments in the area of development assistance, where crime prevention and criminal justice aspects have become increasingly important, in particular with regard to projects relating to the rule of law, citizen security and the concept of good governance.

29. Resident representatives of UNDP assisted in carrying out advisory missions and in developing follow-up projects. They also assisted with the subregional workshops organized by the Division: in Barbados in April 1995 and at Kampala in July 1995. This was, *inter alia*, also the case with the advisory mission to Brazil in May 1995 in response to a request for assistance in reforming their penitentiary system. As a result of that mission, two comprehensive project proposals for the reform of the penitentiary systems in the states of Rio de Janeiro and Rio Grande do Sul, to serve as models for the remaining states of Brazil, were developed in cooperation with UNDP.

30. UNDP assisted in securing funding of the project for improving good governance in relation to crime prevention and the administration of criminal justice in The former Yugoslav Republic of Macedonia, developed by the Division. UNDP also funded an advisory mission to Kazakstan and Kyrgystan in September 1995.

5. Department for Development Support and Management Services

31. The General Assembly, in resolution 50/145, paragraph 6, concerning the operational aspects of the follow-up to the recommendations of the Ninth Congress, urged the Department for Development Support and Management Services of the Secretariat to continue to provide financial support and assistance within the framework of its technical cooperation programme.

32. Regular contacts were maintained with this Department throughout the reporting period. As a result of discussions held at the twelfth meeting of the Group of Experts on Public Administration and Finance, organized by the Department for Development Support and Management Services, in New York, in August 1995, it was recommended that consideration should be given to establishing training programmes

addressed to the most senior levels of the civil service at national, subregional or regional levels to improve the capacity of government to deal with emerging issues of civil society for the revitalization of civil services. The two entities are planning to jointly develop and deliver such courses in the area of the administration of criminal justice during the period 1996-1997.

33. In addition, the twelfth meeting of the Group of Experts encompassed discussions on the development of an adequate legal basis for combatting corruption, including rules and regulations on the conduct of public office holders as well as clear statutory prohibitions, penalties, and procedures for investigating, bringing to trial and punishing persons engaged in corrupt acts. In this context, modalities for collaboration in the development of a joint policy against corruption, especially tailored for developing countries and countries in transition, were discussed. Furthermore, the Division developed regional projects, for which funds are being sought, on the issue of corruption for eastern and central Europe, eastern Asia and Latin America, in cooperation with the Department for Development Support and Management Services.

34. A third area of discussion during the twelfth meeting was the development of administrative capacities for post-conflict restoration and rehabilitation of government machinery. This is a growing area of work for the Division, where it, through its longstanding contributions to the United Nations peace-keeping and special missions, has developed knowledge and practical experience.

35. In this area, representatives of the Division attended the International Colloquium on Post-Conflict Reconstruction Strategies, from 23 to 24 June 1995, organized by the Reconstruction and Development Support Unit of the Department for Development Support and Management Services. The colloquium, which was sponsored by the Austrian Government, convened a number of representatives of the various United Nations entities active in this field and representatives of Governments as well as of non-governmental organizations. The main objective of the colloquium was to outline concrete practical proposals for effective and concerted action by the United Nations system. As a result of the colloquium, an inventory of post-conflict peace-building activities, prepared by the Task Force on Post-Conflict Peace-Building, will be published.

36. As part of the assistance to Rwanda, through funding by the Department for Development Support and Management Services, the Division was represented at a round-table conference and mid-term review of assistance to the country, organized by UNDP at Kigali, from 7 to 8 July 1995. The conference included a workshop on justice reform and prison conditions and made a number of recommendations for follow-up activities. Discussions were held with representatives of the Government of Rwanda as well as with a number of other United Nations entities active in the country. As a result of this conference, two project proposals were developed, for which funds are currently being sought, on police procedures regarding the gathering of evidence and the training of prison personnel.

D. Crime prevention and criminal justice programme network

37. The efforts undertaken towards closer cooperation and coordination with and within the United Nations crime prevention and criminal justice programme network continued during the period from March to December 1995. A joint publication presenting the institutes members of the network and their activities was published on the occasion of the Ninth Congress.

E. Intergovernmental organizations

38. The Division maintained contact with many intergovernmental organizations by exchanging information on issues of mutual concern as well as on funding of specific projects. These included the Organisation for Economic Co-operation and Development, European Commission, Organization for Security and Cooperation in Europe, Commonwealth Secretariat, Council of Europe, Agency for Cultural and Technical

Cooperation (ACTC), International Criminal Police Organization, Financial Action Task Force and Conférence internationale des barreaux de tradition juridique commune.

39. Fifteen intergovernmental organizations participated as observers at the Ninth Congress, which is a significant increase compared to the Eighth Congress. Seven intergovernmental organizations were represented as observers at the fourth session of the Commission. This is a slight decrease compared to its third session, which may be explained by the short period between the organization of the Ninth Congress and the last session of the Commission.

40. The Division was represented at the third Conference of Ministers of Justice of French-Speaking Countries, organized by ACTC, at Cairo, from 29 October to 3 November 1995. The Conference was attended by delegations from 47 countries, of which 29 were at the ministerial level. The Conference reaffirmed the importance of the conclusions of the Ninth Congress. Further, it included a request for closer cooperation with the United Nations crime prevention and criminal justice programme. Cooperation with the Division was included in the programme of action of the Agence for the years 1996 to 2000 with the objective, on a global level, of furthering democratic governance and sustainable development under the rule of law by the promotion of an independent, accessible and efficient judiciary.

41. The Agence furthermore funded and organized the printing and dissemination of additional copies of the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*[2] in French as well as the translation into French of the basic training manual for correctional workers, developed by the International Scientific and Professional Advisory Council. Moreover, the French version of the *Compendium* is currently being adapted for access in a computerized form.

F. Non-governmental organizations and other entities

42. Non-governmental organizations contributed to the work of the crime prevention and criminal justice programme by a variety of means, ranging from the exchange of information, dissemination of information on the United Nations crime prevention and criminal justice programme, participation in expert meetings, training courses and seminars, to the development of working materials and other publications.

43. Seventy-three non-governmental organizations and more than 190 individual experts participated in the Ninth Congress on Crime Prevention and the Treatment of Offenders. This was an increase of two thirds compared to the Eighth Congress, followed by a slight decrease in their participation during the fourth session of the Commission.

44. The observers of non-governmental organizations and individual experts at the Ninth Congress as well as at the fourth session of the Commission fulfilled an important function, particularly by making statements in their capacity as observers on the substantive topics of the agendas, based on their extensive experiences as practitioners working in the field or as distinguished scholars in the area of crime prevention and criminal justice.

45. In addition, at the Ninth Congress, non-governmental organizations and other entities organized 18 ancillary meetings as well as two practically oriented meetings on subject matters relevant to the substantive topics of the congress. In addition, orientation meetings for representatives of non-governmental organizations and individual experts were held daily. Also, a number of ad hoc meetings and working groups were convened on specific issues. These meetings were, on average, attended by 25 to 50 participants, representing Governments, intergovernmental, non-governmental and other professional organizations as well as individual scholars and practitioners, all with a high level of expertise in the subject matters discussed.

II. CONCLUSIONS AND ACTION REQUIRED OF THE COMMISSION

46. Cooperation and coordination of activities with other entities continued to be an issue of great relevance, particularly since the restructuring of the United Nations crime prevention and criminal justice programme. There have been two main decisive factors in this development. First, considering the current level of human and financial resources of the Division, cooperation and coordination with other entities was, and will remain, a condition for the successful implementation of many of the mandates of the programme. For this reason, it is of crucial importance for the development of a comprehensive, result-oriented United Nations strategy in this field, that the efforts carried out by United Nation bodies be coordinated by an entity that shoulders the overall responsibility for this task. The Commission has been repeatedly referred to in General Assembly resolutions as the main policy-making body of the United Nations in its field of competence. Secondly, the enhancement of efficient and democratic criminal justice systems is an essential element of democratic development and therefore a number of United Nations programmes, as well as numerous intergovernmental and non-governmental organizations, may provide assistance in this area. The main priorities of these entities are, however, with the exception of UNDCP, not in the field of crime prevention and criminal justice, but in areas related, for example, to human rights, economic and social development, and the protection of the environment. Cooperation with these entities is essential to avoid the overlapping of activities and inefficient use of resources.

47. Within the reporting period, a more systematic approach to cooperation and coordination has been implemented. With the assistance of the two interregional advisers, the Division was able to initiate new activities and gain growing confidence, trust and increased visibility in the field of technical assistance in crime prevention and criminal justice. This, in turn, increased the number of occasions for discussing collaborative arrangements.

48. The maintenance of such a systematic approach is, however, resource intensive, both in terms of staff and financial resources for attending and organizing coordination meetings. For example, limitations in terms of funds allocated for participation in important meetings of policy-making bodies can hinder the possibilities of promoting cooperation and ensuring coordination. The cost-saving measures to be applied in accordance with the Secretary-General's bulletin ST/SGB/278 of 14 September 1995 have severely affected the increased momentum reached.

49. The development of an efficient network for information gathering and maintenance of contacts with entities active in the same field is an important tool for achieving informal coordination, as well as an important element for a strategy of effective cooperation. The further strengthening of the United Nations crime and justice information network is therefore a matter of great importance. Similarly, comprehensive knowledge of worldwide needs and technical assistance activities undertaken by Governments and other entities is another crucial element of such a strategy. The further development of the network for gathering information on technical assistance activities carried out at the international level, pursuant to Economic and Social Council resolutions 1994/22, paragraph 15, and 1995/12, paragraph 1, could be a further significant step towards more efficient use of resources.

50. The Commission, taking into consideration the need for strengthening inter-agency coordination in the field of crime prevention and criminal justice, and with due consideration of the need to reduce the costs for such activities, as well as the potential of recent developments in information technology, may wish to call for the following:

(a) Organization of an ad hoc inter-agency meeting, with the objective of establishing an institutional framework for closer cooperation and coordination of activities in this field;

(b) Establishment of an electronic forum for inter-agency information sharing, maintained by the Division, as the main coordinating body in this field and as part of its clearing-house function.

51. Taking into account the variety of activities and the complexity of the tasks involved in assisting countries in the development or enhancement of efficient and democratic criminal justice institutions as well as the need to coordinate these activities to avoid overlapping and inefficiencies, the Commission may wish to consider:

(a) Reaffirming the role of the Division to serve as the main facilitator and coordinating mechanism for technical assistance in the field of crime prevention and criminal justice;

(b) Urging those States that have not done so to provide the Division regularly with relevant information on their activities;

(c) Encouraging regular exchanges of information between donor Governments and funding agencies, not only to mobilize resources for technical cooperation projects, but also to ensure the coordination of activities.

Notes

[1]*Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

[2]United Nations publication, Sales No. E.92.IV.1.